

REMARKS/ARGUMENTS

The rejections presented in the Office Action dated April 11, 2008, (hereinafter Office Action) have been considered but are believed to be improper. Reconsideration of the pending claims and allowance of the application in view of the present response is respectfully requested.

Applicant respectfully traverses each of the § 103(a) rejections, each of which relies upon the teachings of U.S. Patent No. 7,194,758 to Waki *et al.* (hereinafter “Waki”) as combined with those of U.S. Patent No. 6,565,437 to Orui (hereinafter “Orui”), because the asserted references alone, or in combination, fail to teach or suggest each of the claimed limitations. First, Waki does not teach the limitations as asserted in the Office Action. For example, none of the asserted portions of Waki teaches transmitting a message to a mobile station when both 1) a television program identified in stored user specific parameters is being broadcast and 2) an event identified in the stored user specific parameters occurs in the television program. The cited portions of Waki teach sending a message identifying that a quiz answer was correct or that a user has won a prize; however, these messages are sent in response to receipt of a quiz answer from a user and not when an event occurs in a television program. Although the operating device (asserted as corresponding to the claimed mobile station) may receive control information for a user to answer a quiz, there is no teaching or suggestion that this information is sent when an event, identified in stored parameters at a network element, occurs in a television program being broadcast. Waki makes no mention of using stored user parameters to identify when to send a message to an operating device.

Contrary to the assertions at page two of the Office Action, Waki also does not teach storing user specific parameters in a network element that include information indicating an event in a television program that the user is interested in. The cited portion teaches that the host station (asserted as corresponding to the claimed network element) receives a quiz answer but makes no mention of storing the answer. Also, the answer to a quiz has not been shown to correspond to a parameter regarding an event since the answer would instead be a response to an asserted event. Thus, Waki’s teachings regarding a user answering a

quiz do not correspond to the claimed storage of user specific parameters and transmission of a message when an event identified in the stored parameters occurs in a television program being broadcast.

Second, the reliance upon the teachings of Orui does not overcome the deficiencies in the teachings of Waki. Waki admittedly does not teach utilizing a message transmitted from a network element for providing a user with information about an event identified in stored parameters via a TV apparatus or a mobile station. While Orui teaches displaying an answer to a quiz question, there is no suggestion that the displayed information is about an event identified in stored parameters or that such displayed information was included in a message transmitted by a network element when an event identified in stored parameters occurs in a television program being broadcast. The mere display of quiz results by Orui does not overcome the multiple deficiencies in the teachings of Waki, and Orui has not been shown to teach any of the other limitations absent from Waki. As neither of the asserted references teaches at least using a message transmitted by a network element to provide a user with information about an event identified in stored parameters via a TV apparatus or a mobile station, any combination thereof must also fail to teach such claim limitations.

In order to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974); and moreover, “[a]ll words in a claim must be considered in judging the patentability of that claim against the prior art.” *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). See, e.g., MPEP §2143.03. The limitations directed to at least the storing of user specific parameters and transmitting at least one message when a specified event occurs in a television program appear to have been ignored, and are not taught by either of the cited references. Rather, Waki fails to teach the claimed storage of user parameters, and use thereof, and the relied-upon display of Orui fails to correspond to the claimed display of information included in a message from a network element such that the asserted combination of teachings would fail to correspond to the claimed invention. Without a presentation of correspondence to each of the claimed

limitations, the § 103(a) rejections are improper. Applicant accordingly requests that the rejection be withdrawn.

With particular respect to the rejection of Claims 5 and 7, Applicant further traverses because the asserted references also fail to teach a network element with an interface to a television broadcasting system for receiving signals indicating the moments when predetermined events occur in a broadcasted program. The Office Action does not identify any such interface in the teachings of Waki or Orui, and neither of these references appear to teach receiving signals indicating the moments when predetermined events occur in a broadcasted program, as claimed. In addition, neither of the references has been shown to teach a processing unit that generates at least one control message when the network element receives information via said interface, as claimed. Without an assertion or presentation of correspondence, the § 103(a) rejection is improper, and Applicant requests that the rejection be withdrawn.

With particular respect to the rejection of Claim 14, Applicant further traverses because the asserted references also fail to teach a receiver for receiving from a network element a message including information for a user of a mobile station regarding an event which has occurred in a television program which is being broadcast. The Office Action does not identify such a receiver in the teachings of Waki or Orui, and neither of these references appears to teach receiving such a message, as claimed. In addition, neither of the references has been shown to teach a processing unit that provides a user with information about an event via a TV apparatus or the display of the mobile station, as claimed. Without an assertion or presentation of correspondence, the § 103(a) rejection is improper, and Applicant requests that the rejection be withdrawn.

Dependent Claims 3, 4, and 9-12 depend from independent Claims 1 and 7, respectively. Each of these dependent claims also stands rejected under 35 U.S.C. § 103(a) as being unpatentable over the above-discussed combination of Waki and Orui. While Applicant does not acquiesce to any particular rejections to these dependent claims, including any assertions concerning descriptive material, obvious design choice and/or what may be otherwise well-known in the art, these rejections are moot in view of the remarks

made in connection with independent Claims 1 and 7. These dependent claims include all of the limitations of their respective base claims and any intervening claims, and recite additional features which further distinguish these claims from the cited references. “If an independent claim is nonobvious under 35 U.S.C. §103, then any claim depending therefrom is nonobvious.” MPEP § 2143.03; *citing In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Therefore, dependent Claims 3, 4, and 9-12 are also patentable over the asserted combination of Waki and Orui.

With respect to the rejections of dependent Claims 6, 13, and 15, the additionally relied upon references have not been shown to teach the limitations absent in Waki and Orui. For example, none of the other relied-upon teachings have been asserted as teaching, or shown to teach, storing of user specific parameters and transmitting at least one message when a specified event occurs in a television program, as claimed. Without correspondence to each of the claim limitations, the § 103(a) rejections would be improper and the rejections should not be maintained.

Moreover, Applicant further traverses the § 103(a) rejections because a skilled artisan would not be motivated to look to the teachings of Waki as asserted. In determining the differences between the prior art and the claims, the question under 35 U.S.C. § 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious. The mere interaction between a user and a host station as taught by Waki fails to recognize or correspond to the limitations directed to an event occurring in a broadcast television program. Thus, modifying Waki to display quiz answers on an operating device disregards the requirement of analyzing Applicant’s claimed subject matter *as a whole*. A skilled artisan’s combination of the asserted teachings would result in user-dependent interaction with a host station rather than interaction based upon stored parameters as claimed. Without a presentation of the requisite suggestion or motivation to combine the cited references as asserted, the § 103(a) rejection is improper, and Applicant requests that it be withdrawn.

It should also be noted that Applicant does not acquiesce to the Examiner’s statements or conclusions concerning what would have been obvious to one of ordinary

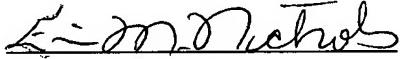
skill in the art, obvious design choices, common knowledge at the time of Applicant's invention, officially noticed facts, and the like. Applicant reserves the right to address in detail the Examiner's characterizations, conclusions, and rejections in future prosecution.

Authorization is given to charge Deposit Account No. 50-3581 (KOLS.072PA) any necessary fees for this filing. If the Examiner believes it necessary or helpful, the undersigned attorney of record invites the Examiner to contact the undersigned attorney to discuss any issues related to this case.

Respectfully submitted,

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By: 

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